



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 6059-99
17 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 12 March 1987 for six years as an RM3 (E-4). At the time of your reenlistment, you had completed more than five years of prior active service. The record reflects that you were advanced to RM2 (E-5) and served without incident until 18 August 1988 when you received an adverse enlisted performance evaluation for the period 1 April to 18 August 1988. You were assigned adverse marks of 2.8 in the rating categories of reliability, personal behavior, directing, and counseling.

On 17 March 1989 you received nonjudicial punishment (NJP) for a brief period of unauthorized absence. Punishment imposed was a suspended reduction in rate to RM3 and forfeitures of \$100 per month for two months. Your performance evaluation for the period ending on 31 March 1989 remained adverse.

On 6 September 1989, the Commander, Naval Military Personnel Command (NMPC) issued you a letter of substandard service as a result of the adverse performance evaluation for the period

ending 18 August 1988. The letter stated that you could not extend or reenlist without prior approval of NMPC-831, and that removal of this restriction could be requested after 24 months of improved performance. The next two evaluations for the periods ending on 30 March and 10 December 1990 rated you a marginal 3.4 overall. In March 1991 your performance improved to an overall 3.8 and in March 1992 your performance declined to an overall 3.2, and the command withdrew its prior recommendations for your advancement and retention.

On 25 January 1993, you requested that the reenlistment restriction be removed. However, the commanding officer endorsed your request recommending disapproval. He stated that although you had shown improvement, it was not sufficient enough to justify a positive recommendation. On 25 February 1993, NMPC-831 denied your request, directed assignment of an RE-4 reenlistment code and authorized half involuntary separation pay upon discharge. You were honorably discharged on 11 March 1993 and assigned an RE-4 reenlistment code.

Regulations required the assignment of an RE-4 reenlistment code to an individual who was issued a letter of substandard service by the petty officer quality review board (NMPC-831), or who is not recommended for reenlistment by the commanding officer. The Board concluded that two adverse and three marginal performance evaluations and an NJP provided sufficient justification for the commanding officer's non-recommendation for retention and assignment of an RE-4 reenlistment code. The Board is reluctant to substitute its judgment for that of the commanding officer who is on the scene and best qualified to determine who should be recommended for retention. The Board concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER